



City of Lambertville

WORK SESSION

**TUESDAY, FEBRUARY 4, 2020, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
25 SOUTH UNION STREET
MINUTES**

COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Fahl called the meeting to order at 7:00 p.m. and asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement:

Adequate notice for the February 4, 2020 Work Session was advertised in the Trenton Times and the Hunterdon County Democrat; noticed to the Trenton Times, the Hunterdon County Democrat, and the list serve and department heads on January 31, 2020, and a copy of the meeting agenda was posted on the City's website at www.lambertvillenj.org and placed on the Bulletin Board at City Hall.

ROLL CALL

Members Present: Councilman Sanders, Councilwoman Taylor, Councilwoman Urbish, Council President Asaro, and Mayor Fahl.

Absent: None.

PLEDGE OF ALLEGIANCE

Mayor Fahl led the public in the Pledge of Allegiance.

MOMENT OF SILENCE

The City Clerk led the public in a moment of silence in honor of those serving in the United States Armed Forces in Country and Abroad.

COMMUNITY DEVELOPMENT FAIR UPDATE

Mayor Fahl acknowledged the professionals, Council President Asaro, and the staff for their hard work that went into make the fair a success. The informed the members of the public present that the poster boards from the fair and the renderings would be online by the end of the week. The City is planning a second Community Development Fair on Monday, February 10 from 6 to 8:30 pm at the Justice Center. This will be a truncated version of the same fair with a smaller number of boards so if you had time to perk on this information this is your opportunity for extra questions.

This is a scheduled work session and while we usually do not add resolutions to a work session agenda, there are times when it is warranted. The Governing Body is going to vote on a resolution to amend the settlement agreement with Fair Share Housing. This amended agreement will do what we discussed on Friday (State of the City Address) and Saturday (Community Development Fair), move away from condemnation of Academy Hill properties. The police will be moved to a new site and that current location will have a new building to house a mix of affordable housing units with market rate and this will end the densification of properties in various neighborhoods. There will be plenty of opportunities to engage in what the details will look like, the size, shape, all the way down to the nitty gritty, like landscaping. The City needs to pass a redevelopment plan

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and there will be multiple opportunities to make sure the building reflects our aesthetic values.

Mayor Fahl opened it up for Council questions and comments. Since there were no Council questions or comments, Mayor Fahl opened the meeting up for public questions and comments.

Judy Gleason, 86 North Union Street commented that she thought the work sessions were not an action meeting. Mayor Fahl said this was a special circumstance and the city needed to adopt the resolution to amend the Fair Share Housing Agreement. The has previously held special sessions to handle this type of action, however getting a quorum is difficult and typically, not many from the public attend. The City Clerk clarified that this meeting was noticed with “action will be taken.”

Councilman Sanders responded that to hold a special meeting is for an emergent matter and it doesn't make sense to spend extra money to notice a special meeting when we were already meeting.

John Hencheck, Quarry Street, commented that he was confused because the Mt. Laurel decision only requires towns to have zoning in place. There is no requirement for communities to build the units.

Mayor Fahl responded that this is a very complicated and the City Planner who has been with us every step of the way will be available to continue to answer questions. We do not want to become a builder's remedy town; we want to flex a significant amount of control over what that looks like to preserve the historic element not only to satisfy our affordable housing but to make sure it fits into our town. By producing a relatively strict redevelopment plan, we will be able to say this is the type that will add value to our community rather than just accept what they give us. Mr. Hencheck responded that the City has a competent board.

RESOLUTIONS

RESOLUTION NUMBER 38-2020: Resolution Authorizing the City to Enter into an Amended Settlement Agreement with Fair Share Housing Center

RESOLUTION 38-2020

Resolution Authorizing the City to Enter into an Amended Settlement Agreement with Fair Share Housing Center

WHEREAS, the City of Lambertville (hereinafter the “City”) voluntarily initiated litigation entitled “In the Matter of the Application of the City of Lambertville” having the Docket No. HNT-L-311-15 pursuant to the New Jersey Supreme Court’s March 10, 2015 decision, “In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (hereinafter “In Re COAH”) requiring that each developing municipality, “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of

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low and moderate income” and “that this constitutional obligation requires that towns must provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing;” and

WHEREAS, the Court’s decision in In Re COAH accordingly provided for a mechanism for municipalities to seek a declaratory judgment that they have complied with the Fair Housing Act (the “Act”) and Council of Affordable Housing (“COAH”) requirements as articulated by the Mount Laurel Doctrine as well as seek a Judgment of Compliance and Repose for Third Round obligations imposed under the Act; and

WHEREAS, In Re COAH established a judicial process to determine municipal affordable housing obligation and for municipalities to obtain review and approval of their housing plans which address that obligation; and

WHEREAS, on July 8, 2015, the City filed a declaratory judgment action under the Docket No. HNT-L-311-15, pursuant to the procedures established by the Supreme Court, entitled “In the Matter of the Application of the City of Lambertville”; and

WHEREAS, the Court conducted mediation through Special Master Elizabeth McKenzie, PP, AICP, and subsequently Michael Bolan, PP, AICP between the City and the Fair Share Housing Center which resulted in a settlement having been negotiated between the parties which determines the City’s constitutional obligation for the its Third Round Housing obligation (1999-2025) to be 137 units; and

WHEREAS, the settlement was determined to be a fair, equitable resolution to the pending litigation pursuant to a Fairness Hearing conducted by the Honorable Thomas C. Miller, P.J. Civ. held on September 13, 2018; and

WHEREAS, following the Fairness hearing, the City began to take appropriate steps towards compliance and it became necessary to renegotiate the settlement agreement, which occurred with the assistance of the Court Appointed Special Master; and

WHEREAS, the City is desirous to authorize an amended settlement with the Fair Share Housing Center in connection with the pending litigation matter;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Lambertville, in the County of Hunterdon, New Jersey that:

1. The Mayor and City staff, on behalf of the governing body, are authorized to execute the Amended Settlement Agreement on behalf of the City of Lambertville attached hereto as “Exhibit A” and take any and all additional steps necessary and legally required to enter into an Amended Settlement Agreement with the Fair Share Housing Center pursuant to the conditions set forth in this Resolution above.
2. The Amended Settlement Agreement and this Resolution shall not be effective until such time as the Superior Court of New Jersey holds a Fairness/Compliance Hearing on this matter and the Court approves said Amended Settlement Agreement and grants the Township a Judgment of Compliance and Repose.

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Mayor Fahl asked for a motion to approve the amended settlement agreement with COAH. Council President Asaro made the motion and Councilwoman Urbish seconded the motion. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

NEW BUSINESS/CONSTITUENT CONCERNS

Announcers Booth at Ely Field

Jim Troutman will be present to discuss this request.

Shared Services Agreements

Animal Control Officer: The Business Administrator will present information regarding this topic.

The Business Administrator reported that he has been looking into shared services for the Animal Control Officer and has received a proposal from Montgomery Township. The goals that drove this is a comprehensive service package. The city wanted more ability for in person patrolling of parks and to make sure we had presence on the ground to help with enforcement. We wanted someone who could come to public meetings on an annual basis and to make sure we have access and accountability for people who are providing the service. The recommendation is to move to a contract with Montgomery for ACO. We were looking for someone who uses a humane shelter with a good reputation and they met those different check boxes.

Mayor Fahl commented that if the City moved forward on the Memorandum of Understanding with Montgomery Township, we needed to make sure they were aware of the high expectations of Lambertville. We are significantly different and we want to make sure we set the Lambertville standard clearly.

Discussion ensued.

Concern was expressed for patrolling; leash law; pooper scooper violations; cost for the service is higher than St. Hubert's; coverage for nondomestic animals; response time; meeting with the new representatives; rabies control; Tow Path activity; conditions of the impound facility; representatives of Montgomery being licensed ACOs; and statutory requirements. Members of the public were asked to submit questions to the Business Administrator so that he could follow up with Montgomery Township.

2020 Budget and Capital Budget Discussion: Defining the Process

The Business Administrator commented that this is the biggest piece of the budget pie and the governing body is digging their teeth in. The Capital requests is one of the largest discretionary and most contributors of the debt. The City is required to create a three-year plan, but we have gone beyond that with a six-year Capital Plan. This will give the City a better handle on debt.

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The members of the Governing Body were given the Capital Request spreadsheet with summaries, and the cost break down by year.

They were provided with a section to rank the projects, keeping it simple with a 1 – 3 ranking due back to the Business Administrator by February 20th.

The Governing Body will focus on this on February 25 and March 5 if needed.

Over 30 million in Capital Requests has been received.

The idea is that all of the Capital Projects we do, the road, flood, facilities goes through this process. One exception which is a bond ordinance to fund affordable housing obligations. One of the difficult things is there is not an account in the budget that money was borrowed every year and it will take a couple of years to bring that into the budget.

The Mayor informed the members of the public present that the Governing Body will be holding two work sessions to focus on the Capital Budget. If you are interested in the budget process and tax implications, she highly recommended everyone attend.

Mayor Fahl announced that George Street Phase I and II will be completed this year and will have a cost savings of \$60,000 due to the diligence of the Business Administrator. The City will host a meeting for George Street residents once we have an idea of the final savings.

ANNOUNCEMENTS

JUSTICE CENTER PARKING: Parking Space Number 16 is available for lease at the Phillip L. Pittore Justice Center. The fee is \$55 per month. If interested, call Kristina Majeski at 609-397-0110, ext. 12.

OFFICE CLOSURES: All City Offices will be closed on Friday, February 14 through Monday, February 17, 2020 for Presidential Birthdays. Garbage and Recycling Collection scheduled for Friday will be picked up on Thursday. Monday's Third Can/Food Waste Recycling will be picked up on Tuesday.

DOG AND CAT LICENSES: Dog and Cat Licenses are due by February 28th. You need to provide the City with proof of rabies.

LANDLORD REGISTRATION: The process of registering your rental unit has been changed. Please wait to receive instructions from Frank D'Amore, the Fire Official, before mailing in your renewal. Thank you!

PUBLIC PARTICIPATION

Kim, asked about the condition of the parking lot at the school. Mayor Fahl responded that it was discussed last year when the City wanted to meter the lot and it is not slated to be fixed at this point. Kim asked if the pot holes could be filled. Mayor Fahl

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responded that the public works department fills the holes every year and every year they get bigger.

Max Krandle asked about the George Street process and asked why the section from York to Coryell wasn't on the list. The Business Administrator responded that it was recently paved.

John Hencheck of Quarry Street informed the board that he filed a complaint with NJDEP about the runoff from the Public Work Department and contamination of his well. Mayor Fahl responded that she appreciates the comments and she would have the folks at public works get back to him.

CLOSED SESSION: The Governing Body may go into Closed Session to discuss matters related to COAH (attorney/client privileged).

RESOLUTION

“Authorizing a Closed Session at the February 4, 2020 Lambertville City Council Meeting to Discuss Matters Related to COAH (attorney/client privileged)”

WHEREAS, the Council of the City of Lambertville is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on February 4, 2020, in the Phillip L. Pittore Justice Center, located at 25 South Union Street, Lambertville, to discuss matters related to COAH (attorney/client privileged).

BE IT FURTHER RESOLVED that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Lambertville Mayor and City Council.

ADOPTED: February 4, 2020

Mayor Fahl and City Council convened in closed session at 8:28 p.m. with a motion made by Council President Asaro and seconded by Councilman Sanders. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl and City Council re-convened in regular session at 8:36 p.m. with a motion made by Councilwoman Urbish and seconded by Council President Asaro.

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An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ADJOURNMENT

The meeting adjourned at 8:36 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Taylor. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully permitted,

Cle/-4-07-2020

Cynthia L. Ege

CMR, RMC, City Clerk

The February 4, 2020 work session minutes were approved at the April 7, 2020 voting session.